

## ORDINANCE NO. \_\_\_\_\_

1           AN ORDINANCE amending Chapter 6.12 of the Lincoln Municipal Code  
2 relating to Cats by amending Section 6.12.010 to add a definition for “cat hobby kennel” and  
3 amending the definition of “kennel”; amending Section 6.12.050 to provide the word  
4 “Lincoln” be engraved on all cat tags; adding a new section 6.12.055 to provide that all  
5 money received by the Director under Chapter 6.12 shall be credited to the Animal Control  
6 Fund; amending Section 6.12.070 to make it unlawful for cats that are not spayed or neutered  
7 to run at large; repealing Section 6.12.080 relating to cats running at large while in heat;  
8 amending Section 6.12.100 to delete a reference to Section 6.12.080 which is being repealed;  
9 adding a new Section 6.12.123 to make it unlawful to maintain a cat kennel; adding a new  
10 Section 6.12.125 to provide exceptions to having a cat kennel; adding a new section  
11 numbered 6.12.127 to create a permit process to obtain a cat hobby kennel; adding a new  
12 section numbered 6.12.129 to provide restrictions relating to a cat hobby kennel; repealing  
13 Section 6.12.130 relating to hobby kennel or cattery permit; and amending Section 6.12.290  
14 to increase the minimum fine for first offense violations of Chapter 6.12 from \$25.00 to  
15 \$35.00; and repealing Sections 6.12.010, 6.12.050, 6.12.070, 6.12.100, and 6.12.290 of the  
16 Lincoln Municipal Code as hitherto existing.

17           BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

18           Section 1. That Section 6.12.010 of the Lincoln Municipal Code be amended  
19 to read as follows:

1           **6.12.010       Definitions.**

2           For the purpose of this chapter, the following words shall have the following meanings:

3           **Cat** shall include both male and female cats.

4           ~~**Cat hobby kennel or cattery** shall mean any kennel where cats are kept for organized~~  
5 ~~shows, breeding for exhibition, or for the enjoyment of the household~~ the house, yard,  
6 enclosure, premises, or place where more than six cats over the age of six months are kept,  
7 harbored, or maintained pursuant to a permit issued under this chapter.

8           **Inoculation, and vaccination, or vaccination for rabies** shall mean the vaccination of  
9 a cat with a vaccine approved by the Lincoln-Lancaster County Department of Health for use  
10 in the prevention of rabies.

11          **Kennel** shall be construed to mean the house, ~~store,~~ yard, enclosure, or place where  
12 ~~two~~ seven or more ~~weaned, unspayed, or unneutered~~ cats over six months of age are kept,  
13 harbored, or maintained. ~~kept.; provided, however, this definition shall not apply to spayed~~  
14 ~~female cats nor to the animal shelter, animal research facilities, or to animal hospitals operated~~  
15 ~~by veterinarians duly licensed under the laws of the State of Nebraska, keeping cats for others~~  
16 ~~for treatment or boarding.~~

17           Section 2. That Section 6.12.050 of the Lincoln Municipal Code be amended  
18 to read as follows:

19          **6.12.050       Information Required; Receipt; Tag.**

20           Application for such license shall be made to the Director, and the following  
21 information, including presentation of a valid rabies certificate showing that the cat has been  
22 immunized for rabies shall be furnished:

- 1 (a) Name and address of the owner or harborer of such cat;
- 2 (b) Such description of the cat as may be required for the purpose of identification;
- 3 and
- 4 (c) The license number of the tag issued.

5 The Director shall furnish to the owner upon payment of the license fees as hereinafter  
6 required a license receipt showing thereon such information and metallic tag bearing the tag  
7 number, the license year for which issued and the words "Lincoln ~~cat tag~~" engraved thereon.

8 Section 3. That Chapter 6.12 of the Lincoln Municipal Code be amended by  
9 adding a new section numbered 6.12.055 to read as follows:

10 **6.12.055 Fees.**

11 All money received by the Director under this chapter shall be deposited with the City  
12 Treasurer who shall credit such money to the Animal Control Fund.

13 Section 4. That Section 6.12.070 of the Lincoln Municipal Code be amended  
14 to read as follows:

15 **6.12.070 Cats Running at Large.**

16 ~~It is hereby declared~~ shall be unlawful for any owner, keeper, or harborer of any cat  
17 to let such cat run at large, unless a valid license tag is attached and said cat is spayed or  
18 neutered.

19 Section 5. That Section 6.12.080 of the Lincoln Municipal Code be and the  
20 same is hereby repealed:

1        ~~6.12.080      Running at Large While in Heat.~~

2        ~~It is hereby declared unlawful for any owner, keeper, or harbinger of any female cat to~~  
3        ~~permit such cat to run at large while in heat, whether or not a valid registration tag is attached.~~

4                Section 6. That Section 6.12.100 of the Lincoln Municipal Code be amended  
5        to read as follows:

6        **6.12.100      Public Nuisance.**

7                Any cat running at large in violation of the provisions of Sections 6.12.070 ~~or 6.12.080~~  
8        hereof is declared to be a public nuisance, and shall be impounded by the Director as in this  
9        chapter provided, or if the residence of the owner of such cat is determined by the capturing  
10       animal control officer before such cat is delivered to the animal shelter, such cat may be  
11       delivered to the owner upon said owner's written acceptance of delivery upon a form to be  
12       provided by the Director. If such cat is so delivered to the owner, an impoundment fee of  
13       twenty dollars shall be paid by the owner to the Director within five days of delivery, and  
14       failure to pay said fee shall constitute a separate violation of this section.

15               The Director shall not release any such cat from being impounded until the owner of  
16       said cat shall have obtained a license as provided in this chapter.

17               Section 7. That Chapter 6.12 of the Lincoln Municipal Code be amended by  
18       adding a new section numbered 6.12.123 to read as follows:

19        **6.12.123      Cat Kennels Prohibited.**

20               It shall be unlawful for any person to keep, or permit to be kept upon any premises  
21       occupied or under such person's charge or control, any cat kennel. Provided, however, the  
22       provisions of this section shall not apply to the animal shelter, animal research facilities, cat

1 hobby kennel permit holders, persons who fit either of the exceptions set forth in Section  
2 6.12.125, or to animal hospitals operated by veterinarians duly licensed under the laws of the  
3 State of Nebraska keeping cats for others for treatment or boarding.

4 If upon the trial of the offense mentioned in this section it shall appear to the county  
5 judge that the person be guilty as charged in said complaint, said county judge shall, in  
6 addition to the usual judgment of conviction, declare said cat kennel a public nuisance, order  
7 the party or parties so convicted to abate said nuisance forthwith, and in the event the party  
8 or parties convicted shall fail to do so, order the Health Director or the Chief of Police to  
9 remove to the animal shelter said cat or cats so kept and harbored in violation of this section,  
10 there to be impounded and disposed of in accordance with the terms of this chapter. The cost  
11 of such impoundment and disposal shall be borne by the convicted person.

12 Section 8. That Chapter 6.12 of the Lincoln Municipal Code be amended by  
13 adding a new section numbered 6.12.125 to read as follows:

14 **6.12.125 Cat Kennel Violation; Exceptions.**

15 (a) Any person who, at the time of adoption of this provision shall reside within the  
16 City of Lincoln and shall own more than six licensed cats, may continue to harbor or keep  
17 such licensed cats in a manner consistent with Section 6.12.129 until such time as the death  
18 or transfer of such cats reduces the number possessed to the limit provided for in this chapter,  
19 or for a period of one year, whichever time is shorter.

20 (b) Any person who shall, at the time of annexation, keep or harbor more than six  
21 cats over six months of age on land which is subsequently annexed by the City of Lincoln,  
22 may continue to harbor or keep such cats on such land, in a manner consistent with Section

1 6.12.129, until such time as the death or transfer of such cats reduces the number possessed  
2 to the limit provided for in this chapter, or for a period of one year, whichever time is shorter;  
3 provided, however, such person must, within thirty days of the date of annexation, license  
4 each cat then owned and provide proof of rabies vaccination therefor.

5 Persons owning in excess of six cats over the age of six months, pursuant to the above  
6 exceptions, will be treated as a cat hobby kennel permit holder for purposes of regulating the  
7 manner in which the cats must be maintained.

8 Nothing in subsections (a) or (b) above shall prevent a finding that the premises upon  
9 which such cats are kept is nuisance, and such finding may subject the owner of such cats to  
10 relinquish all or some such cats forthwith.

11 Section 9. That Chapter 6.12 of the Lincoln Municipal Code be amended by  
12 adding a new section numbered 6.12.127 to read as follows:

13 **6.12.127 Cat Hobby Kennel Permit.**

14 Application for a cat hobby kennel permit shall be made to the Director on forms  
15 provided by the Department. Upon payment of the permit fee and upon presentation of proof  
16 that each cat for which the permit is sought is currently licensed and vaccinated against rabies,  
17 said permit shall be issued, provided:

18 (a) Each such permit shall expire on December thirty-first of the year in which  
19 issued. All permit renewals shall be due January first of each year and shall expire on  
20 December thirty-first following. Renewal permits are subject to the same restrictions and  
21 compliance standards as set forth for original permits.

22 (b) The fee for a permit and for a renewal permit shall be \$30.00.

1        If the Director believes all or any of the above requirements have not been met, the  
2        Director shall refuse to issue or renew such permit and shall notify the applicant of such  
3        decision in writing by mailing such notice, by certified mail, to the address listed on the  
4        applicant's most recent application. Upon such notification, and after the expiration of eleven  
5        days from the date of such notice, the determination shall be final and binding upon the city  
6        and upon the applicant unless, within ten days after notice is mailed, the applicant requests,  
7        in writing, a review of the determination by the Director. Such written request shall be filed  
8        with the Director. Review shall be had within fifteen days (exclusive of weekends and  
9        holidays) of the filing of the written request therefor, unless the Director and applicant agree  
10       to a later review date. At such review the applicant may testify and present any written  
11       statements or documentary evidence relevant to the determination. The Director shall make  
12       a final and binding determination after such review within thirty days from the date of the  
13       review. The applicant may appeal any final determination as provided herein to the district  
14       court as provided by law.

15                Section 10. That Chapter 6.12 of the Lincoln Municipal Code be amended by  
16       adding a new section numbered 6.12.129 to read as follows:

17       **6.12.129      Cat Hobby Kennel; Restrictions.**

18                (a)    Cat hobby kennel permits are not transferable from one person to another  
19       person or place;

20                (b)    A permit holder shall notify the Director of any change in ownership of any one  
21       or all of the cats subject to the permit, any change in ownership of the premises subject to the  
22       permit, the death of any cat subject to the permit, the addition of any cat or other animal to

1 the premises, and any other material change in circumstance that may affect the status of said  
2 permit;

3 (c) A cat hobby kennel shall limit cat reproduction to no more than one litter of  
4 offspring per license per year per female cat.

5 (d) The Director, after proper identification, shall be permitted to enter at any  
6 reasonable time any premises of any cat hobby kennel permit holder for the purpose of  
7 making inspections to determine compliance with this title.

8 (e) Failure to maintain the premises in compliance with the law, or failure to make  
9 payment of the permit fee, or failure to maintain proof and provide such to the department  
10 documenting that each cat has been properly licensed and vaccinated against rabies may  
11 result in immediate termination of the cat hobby kennel permit by the Director.

12 (f) The conviction of any cat hobby kennel permit holder for any crime pursuant  
13 to this title may result in the revocation of the cat hobby kennel permit and/or denial of any  
14 renewal permit upon a finding by the Director that the health or safety of the community or  
15 cats subject to the permit so requires.

16 (g) No cat hobby kennel shall be permitted for in excess of fifteen cats over the age  
17 of six months.

18 If the Director believes all or any of the above requirements have not been met, the  
19 Director shall refuse to renew such permit or shall revoke an existing permit, and shall notify  
20 the applicant or permit holder of such decision in writing by mailing such notice, by certified  
21 mail, to the address listed on the applicant's or permit holder's most recent application or  
22 permit. Upon such notification, and after the expiration of eleven days from the date of such

1 notice, the determination shall be final and binding upon the city and upon the applicant or  
2 permit holder unless, within ten days after notice is mailed, the applicant or permit holder  
3 requests, in writing, a review of the determination by the Director. Such written request shall  
4 be filed with the Director. Review shall be had within fifteen days (exclusive of weekends and  
5 holidays) of the filing of the written request therefor, unless the Director and requester agree  
6 to a later review date. At such review the applicant or permit holder may testify and present  
7 any written statements or documentary evidence relevant to the determination. The Director  
8 shall make a final and binding determination after such review within thirty days from the date  
9 of the review. The applicant or permit holder may appeal any final determination as provided  
10 herein to the district court as provided by law.

11           Section 11. That Section 6.12.130 of the Lincoln Municipal Code be and the  
12 same is hereby repealed:

13 **~~6.12.130 — Hobby Kennel or Cattery Permit.~~**

14 ~~—— It shall be unlawful for any person to have or maintain a hobby kennel or cattery within~~  
15 ~~the City of Lincoln without first having obtained such hobby kennel or cattery permit from the~~  
16 ~~Director as herein provided.~~

17 ~~—— Any person having a hobby kennel or cattery shall make application to the Director for~~  
18 ~~said permit. The Director shall issue the permit upon finding that the premises are in~~  
19 ~~compliance with the law, the permit fee has been paid, each cat has been properly licensed~~  
20 ~~and vaccinated against rabies, and upon compliance with the following conditions:~~

21 ~~—— (a) — Permits are not transferable from one person to another person or place.~~

1 ~~—— (b) —— A permit holder shall notify the Director of any change in operations which may~~  
2 ~~affect the status of said permit and shall keep the Director apprised of any change in name or~~  
3 ~~location of the permit holder's kennel.~~

4 ~~—— (c) —— The hobby kennel or cattery permit shall expire December thirty-first of each~~  
5 ~~calendar year for which issued. All permits shall be due January first of each year and shall~~  
6 ~~expire on December thirty-first following.~~

7 ~~—— (d) —— The permit fee shall be fifty dollars plus twelve dollars per cat licensing fee.~~

8 ~~—— (e) —— Failure to maintain the premises in compliance with the law, or failure to make~~  
9 ~~payment of the permit fee, or failure to maintain proof showing that each cat has been~~  
10 ~~properly licensed and vaccinated against rabies may result in the immediate termination of the~~  
11 ~~hobby kennel or cattery permit by the Director.~~

12 ~~—— Any decision of the Director under the provisions of this section may be appealed to~~  
13 ~~the District Court as provided by law.~~

14 Section 12. That Section 6.12.290 of the Lincoln Municipal Code be amended  
15 to read as follows:

16 **6.12.290 Penalty for Violations.**

17 Any person upon whom a duty is placed by the provisions of this chapter who shall  
18 fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this  
19 chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be  
20 punished by imprisonment in the county jail for a period not to exceed three months or by a  
21 fine in a sum not to exceed \$500.00, recoverable with costs, or both, except that each person  
22 so convicted shall be fined not less than ~~\$25.00~~ \$35.00 for the first offense, and not less than

1 \$50.00 for a second offense, and not less than \$100.00 for the third offense and each offense  
2 thereafter.

3 Each day that a violation of any section in this chapter continues shall constitute a  
4 separate and distinct offense and shall be punishable as such. The penalties herein provided  
5 shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this chapter  
6 provided.

7 Section 13. That Sections 6.12.010, 6.12.050, 6.12.070, 6.12.100, 6.12.130,  
8 and 6.12.290 of the Lincoln Municipal Code as hitherto existing be and the same are hereby  
9 repealed.

10 Section 14. That this ordinance shall take effect and be in force from and after  
11 its passage and publication according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_ day of \_\_\_\_\_, 2001:

\_\_\_\_\_  
Mayor